

U.S. Department of the Interior, Bureau of Land Management
Kremmling Field Office
2103 E. Park Ave., PO Box 68, Kremmling, CO 80459

CATEGORICAL EXCLUSION

Tri-State Windy Gap Communication Site Renewal
DOI-BLM-CO-N02-2015-0005-CX

Identifying Information

Project Title: Tri-State Windy Gap Communication site renewal of COC-22842

Legal Description: Grand County, 6th P.M.; T. 2 N., R. 77 W. and R. 81 W., Sections 24 and 26.

Applicant: Tri-State Generation and Transmission

Casefile/Project Number: COC-22842

Conformance with the Land Use Plan

The Proposed Action is subject to and has been reviewed for conformance with (43 CFR 1610.5-3, BLM 1601.08) the following plan:

Name of Plan: The Kremmling Resource Management Plan (RMP), Record of Decision

Date Approved: December 19, 1984; Updated February 1999

Decision Number/Page: Page 14

Decision Language: Provide the opportunity to utilize public lands for development of facilities which benefit the public, while considering environmental and agency concerns.

Proposed Action

Tri-State was issued a communication right-of-way (ROW) on February 24, 1981 which expired June 30, 2007. Tri-State has applied for a renewal of this ROW for the Windy Gap Communication Site. The first site includes a passive reflector and the second site includes a communications hut and mast. There are two separate sites but they are authorized under one ROW. The ROW is for 8.79 acres. No new ground disturbance would occur.

Categorical Exclusion Review

The Proposed Action qualifies as a categorical exclusion under 516 DM 11.9, E., (9): Renewals and assignments of leases, permits or rights-of-way where no additional rights are conveyed beyond those granted by the original authorizations.

The Proposed Action has been reviewed with the list of extraordinary circumstances (43 CFR 46.215) described in the table below.

Extraordinary Circumstance	YES	NO
a) Have significant adverse effects on public health and safety.		X
b) Have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation, or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands; floodplains; national monuments; migratory birds; and other ecologically significant or critical areas.		X
c) Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources.		X
d) Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.		X
e) Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.		X
f) Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.		X
g) Have significant impacts on properties listed, or eligible for listing, in the National Register of Historic Places as determined by the bureau.		X
h) Have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have adverse effects on designated Critical Habitat for these species.		X
i) Violate a Federal law, or a State, local or tribal law or requirement imposed for the protection of the environment.		X
j) Have a disproportionately high and adverse effect on low income or minority populations.		X
k) Limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly affect the physical integrity of such sacred sites.		X
l) Contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species.		X

Interdisciplinary Review

The Proposed Action was presented to, and reviewed by, the Kremmling Field Office interdisciplinary team on 11-18-14. A complete list of resource specialists who participated in this review is available upon request from the Kremmling Field Office.

Name	Title	Resource	Date
Bill Wyatt	Archaeologist	Paleontological Resources, Cultural Resources, Native American Tribal	11/19/2014

		Consultation	
Darren Long	Wildlife Biologist	Special Status Plant and Wildlife Species, Terrestrial Wildlife, Fisheries	12/2/2014

REMARKS:

Cultural Resources: The proposed action is not considered an undertaking under Section 106 of the National Historic Preservation Act (NHPA) of 1966 as amended and its implementing laws and regulations. Consultation with the State Historic Preservation Officer (SHPO) is not required. All future proposed actions that meet the Section 106 definition under the NHPA of an undertaking will require compliance with the NHPA and SHPO consultation.

Native American Tribal Consultation: Because the proposed action is not a Section 106 undertaking as defined under the NHPA, tribal consultation under Section 106 is not necessary. All future actions that are determined to be a Section 106 action under the NHPA will require tribal consultation of potential effect to traditional cultural or spiritual properties.

Special Status Species: This is a paperwork exercise that would result in no additional disturbance. No special status species would be impacted.

COMPLIANCE PLAN: On-going compliance inspections and monitoring would be conducted by the BLM Kremmling Field Office staff during and after construction. The operator would be notified of compliance related issues in writing, and depending on the nature of the issue(s), would be provided 30 days to resolve such issues.

Compliance with NEPA

The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 11.9, E(12). This categorical exclusion is appropriate in this situation because there are no extraordinary circumstances potentially having effects that may significantly affect the environment. The Proposed Action has been reviewed, and none of the extraordinary circumstances described in 43 CFR 46.215 apply.

NAME OF PREPARER: Annie Sperandio

NAME OF ENVIRONMENTAL COORDINATOR: Susan Valente

/s/ Stephanie Odell

Field Manager

12/31/2014

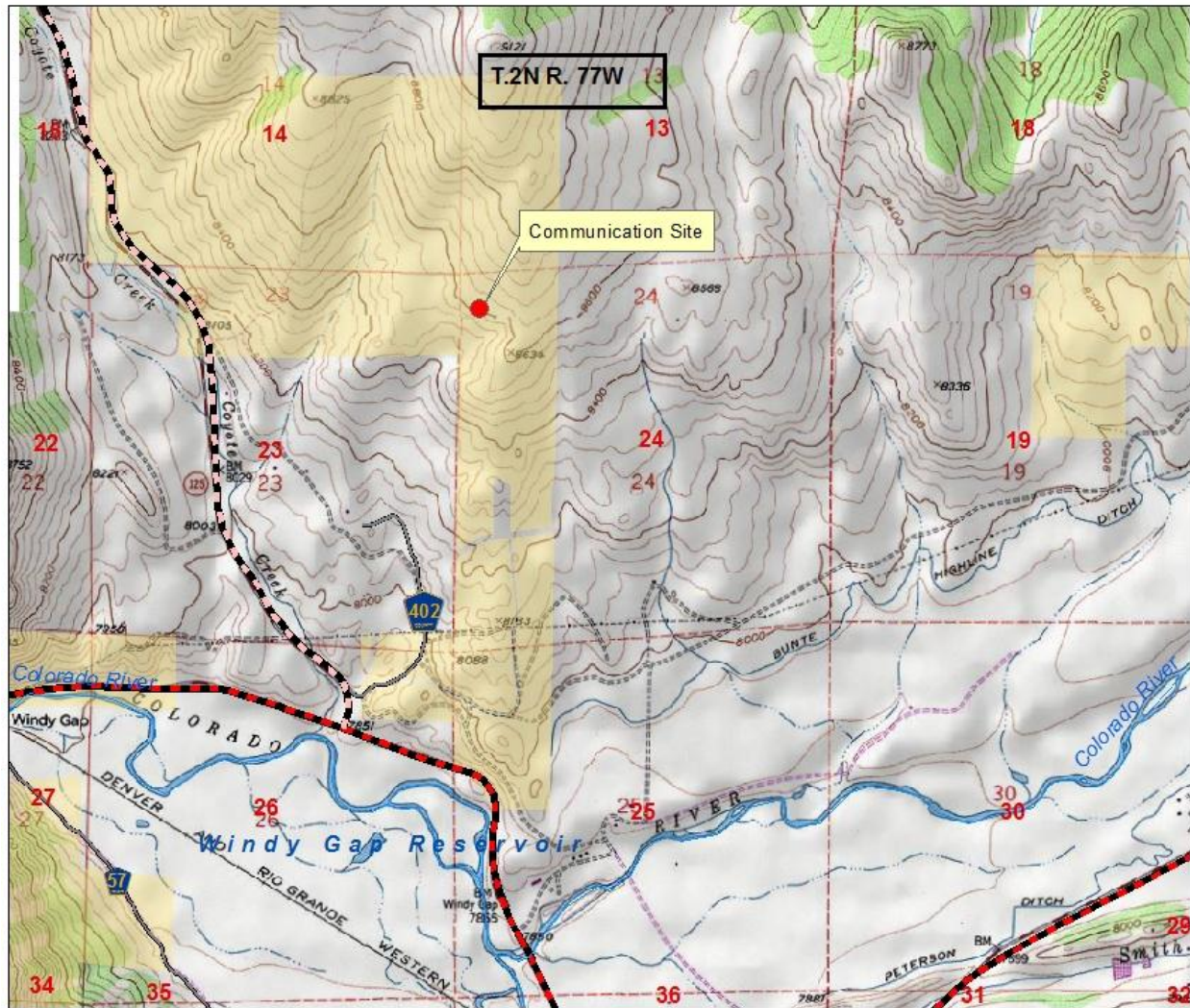
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ATTACHMENTS: Stipulations, Seed Mix

Appendix A. Figures



Tri-State-Windy Gap Communication Site



- Legend
- mt_bross_road
 - Land Status**
 - Bureau of Land Mgt
 - Division of Wildlife
 - National Park
 - US Forest Service
 - National Wildlife Refuge
 - Private
 - State
 - State Forest

0 0.1 0.2 0.4 0.6 0.8 Miles

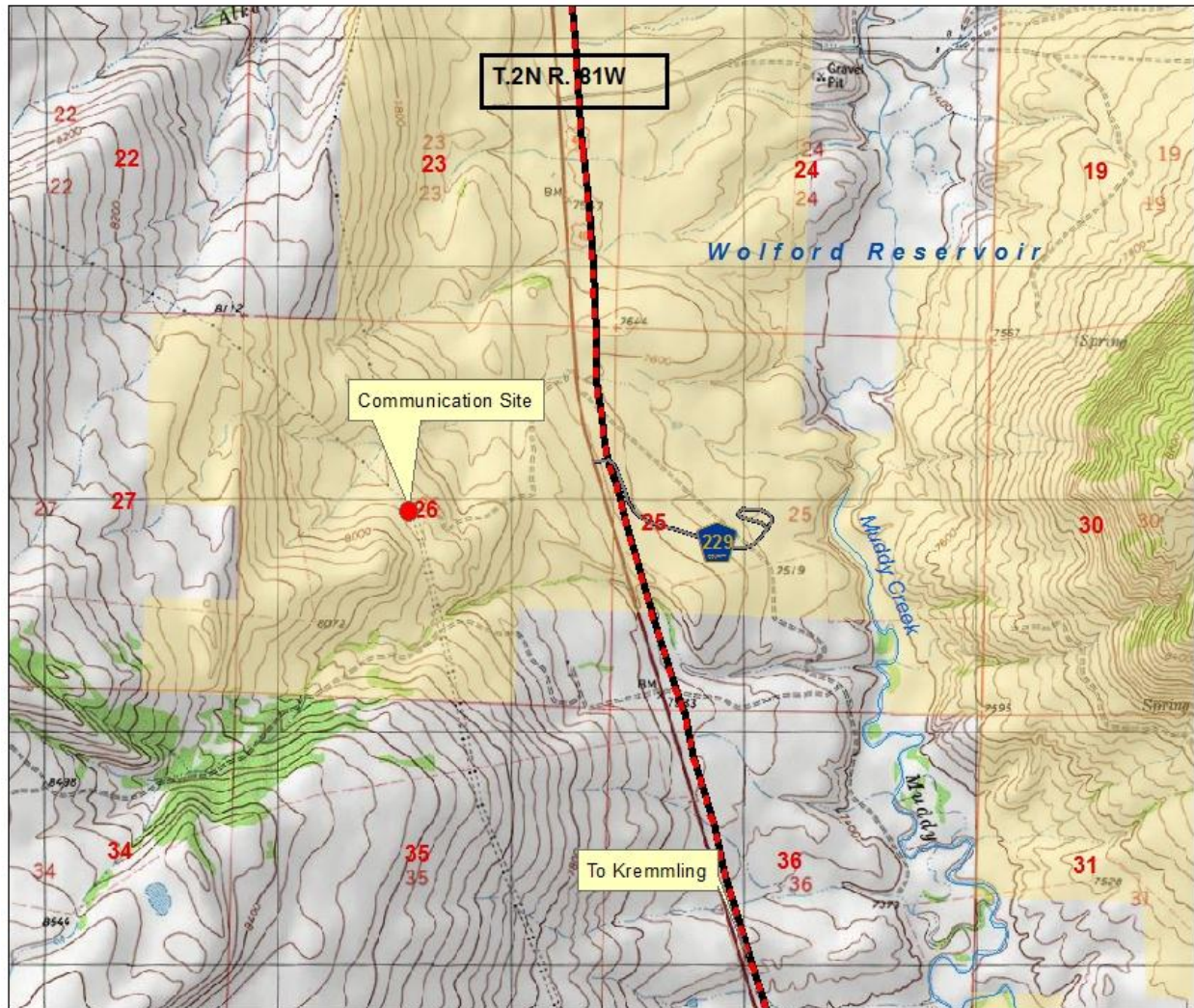


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Annie Sperandio, 11-18-2014
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Tri-State-Windy Gap Communication Site



- Legend**
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 - Land Status**
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 - Bureau of Land Mgt
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Annie Sperandio, 11-18-2014
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U.S. Department of the Interior, Bureau of Land Management
Kremmling Field Office
2103 E. Park Ave, PO Box 68, Kremmling, CO 80459

Decision Record

Tri-State Windy Gap Communication Site Renewal **DOI-BLM-CO-N02-2015-0005-CX**

Decision

It is my decision to implement the Proposed Action, DOI-BLM-N02-2015-0005-CX, authorizing the renewal of COC-22842.

Compliance with Laws & Conformance with the Land Use Plan

This decision is in compliance with the Federal Land Management and Policy Act, the Endangered Species Act, and the National Historic Preservation Act. It is also in conformance with the December 19, 1984; Updated February 1999 Kremmling Resource Management Plan (RMP).

Public Involvement

The CX will be available for a formal 30-day public comment period when posted on the BLM online NEPA register.

Rationale

The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 11.9, E(16). This categorical exclusion is appropriate in this situation because there are no extraordinary circumstances potentially having effects that may significantly affect the environment. The Proposed Action has been reviewed, and none of the extraordinary circumstances described in 43 CFR 46.215 apply.

Administrative Remedies

Administrative remedies may be available to those who believe they will be adversely affected by this decision. Appeals may be made to the Office of Hearings and Appeals, Office of the Secretary, U.S. Department of Interior, Board of Land Appeals (Board) in strict compliance with the regulations in 43 CFR Part 4. Notices of appeal must be filed in this office within 30 days after publication of this decision. If a notice of appeal does not include a statement of reasons, such statement must be filed with this office and the Board within 30 days after the notice of appeal is filed. The notice of appeal and any statement of reasons, written arguments, or briefs must also be served upon the Regional Solicitor, Rocky Mountain Region, U.S. Department of Interior, 755 Parfet Street, Suite 151, Lakewood, CO 80215.

The effective date of this decision (and the date initiating the appeal period) will be the date this notice of decision is posted on the BLM online NEPA register.

Signature of Authorized Official

/s/ Stephanie Odell
Field Manager

12/31/2014
Date

STIPULATIONS
FOR
TRI-STATE GENERATION AND TRANSMISSION
WINDY GAP COMMUNICATION SITE
COC-22842

- 1) The holder shall contact the authorized officer at least five (5) days prior to the anticipated start of construction and/or any surface disturbing activities. The authorized officer may require and schedule a preconstruction conference with the holder prior to the holder's commencing construction and/or surface disturbing activities on the right-of-way. The holder and/or his/her representative shall attend this conference. The holder's contractor, or agents involved with construction and/or any surface disturbing activities associated with the right-of-way, shall also attend this conference to review the stipulations of the grant.
- 2) The holder shall conduct all activities associated with the construction, operation, and termination of the right-of-way within the authorized limits of the right-of-way.
- 3) Holder shall maintain the right-of-way in a safe, usable condition, as directed by the authorized officer
- 4) The holder(s) shall comply with all applicable Federal laws and regulations existing or hereafter enacted or promulgated. In any event, the holder(s) shall comply with the Toxic Substances Control Act of 1976, as amended (15 U.S.C. 2601, et seq.) with regard to any toxic substances that are used, generated by or stored on the right-of-way or on facilities authorized under this right-of-way grant. (See 40 CFR, Part 702-799 and especially, provisions on polychlorinated biphenyls, 40 CFR 761.1-761.193.) Additionally, any release of toxic substances (leaks, spills, etc.) in excess of the reportable quantity established by 40 CFR, Part 117 shall be reported as required by the Comprehensive Environmental Response, Compensation and Liability Act of 1980, Section 102b. A copy of any report required or requested by any Federal agency or State government as a result of a reportable release or spill of any toxic substances shall be furnished to the authorized officer concurrent with the filing of the reports to the involved Federal agency or State government.
- 5) The holder shall be responsible for weed control on disturbed areas within the limits of the right-of-way. The holder is responsible for consultation with the authorized officer for acceptable weed control methods (within limits imposed in the grant stipulations). All equipment shall be washed for unwanted plant material prior to any construction activities on BLM lands.

- 6) Use of pesticides shall comply with the applicable Federal and state laws. Pesticides shall be used only in accordance with their registered uses and within limitations imposed by the Secretary of the Interior. Prior to the use of pesticides, the holder shall obtain from the authorized officer written approval of a plan showing the type and quantity of material to be used, pest(s) to be controlled, method of application, location of storage and disposal of containers, and any other information deemed necessary by the authorized officer. Use of pesticides shall be approved in writing by the authorized officer prior to such use.
- 7) The holder shall seed all disturbed areas, using an agreed upon method suitable for the location if necessary. Seeding shall be repeated if a satisfactory stand is not obtained as determined by the authorizing officer upon evaluation after the second growing season.
- 8) The Permittee shall not construct new roads for tower site access. All road construction/maintenance activity will follow existing roads. No road traffic will be allowed during wet conditions. Reseeding is required in areas where vegetation was disturbed or removed.
- 9) Diesel fuel and any hazardous materials stored on site will need to be contained in an OSHA approved flammable storage cabinet capable of containing any spills.
- 10) The holder is responsible for informing all persons in the area who are associated with this project that they will be subject to prosecution for disturbing historic or archaeological sites, or for collecting artifacts.
- 11) The holder shall immediately bring to the attention of the Authorized Officer any and all antiquities, or other objects of historic, paleontological, or scientific interest including but not limited to, historic or prehistoric ruins or artifacts DISCOVERED as a result of operations under this authorization (16 U.S.C. 470.-3, 36 CFR 800.112). The holder shall immediately suspend all activities in the area of the object and shall leave such discoveries intact until written approval to proceed is obtained from the Authorized Officer. Approval to proceed will be based upon evaluation of the object(s). Evaluation shall be by a qualified professional selected by the Authorized Officer from a Federal agency insofar as practicable (BLM Manual 8142.06E). When not practicable, the holder shall bear the cost of the services of a non-Federal professional.

Within five working days the Authorized Officer will inform the holder as to:

- Whether the materials appear eligible for the National Register of Historic Places;
- The mitigation measures the holder will likely have to undertake before the site can be used (assuming in situ preservation is not necessary); and,
- A timeframe for the Authorized Officer to complete an expedited review under 36 CFR 800.11 to confirm, through the State Historic Preservation Officer, that the findings of the Authorized Officer are correct and that mitigation is appropriate.

If the holder wishes, at any time, to relocate activities to avoid the expense of mitigation and/or the delays associated with this process, the Authorized Officer will assume responsibility for whatever recordation and stabilization of the exposed materials may be required. Otherwise, the holder will be responsible for mitigation costs. The Authorized Officer will provide technical and procedural guidelines for the conduct of mitigation. Upon verification from the Authorized Officer that the required mitigation has been completed, the holder will then be allowed to resume construction.

Antiquities, historic, prehistoric ruins, paleontological or objects of scientific interest that are outside of the authorization boundaries but directly associated with the impacted resource will also be included in this evaluation and/or mitigation.

Antiquities, historic, prehistoric ruins, paleontological or objects of scientific interest, identified or unidentified, that are outside of the authorization and not associated with the resource within the authorization will also be protected. Impacts that occur to such resources, which are related to the authorizations activities, will be mitigated at the holder's cost.

- 12) Pursuant to 43 CFR 10.4(g), the holder of this authorization must notify the authorized officer, by telephone, with written confirmation, immediately upon the discovery of human remains, funerary items, sacred objects, or objects of cultural patrimony. Further, pursuant to 43 CFR 10.4 (c) and (d), you must stop activities in the vicinity of the discovery and protect it for 30 days or until notified to proceed by the authorized officer.
- 13) All above-ground structures not subject to safety requirements shall be painted by the holder to blend with the natural color of the landscape. The paint used shall be a color which simulates "Standard Environmental Colors" designated by the Rocky Mountain Five-State Interagency Committee.
- 14) Lessee will have the right to terminate this lease upon 180 days written notice to authorized officer.
- 15) One month prior to termination of the right-of-way, the holder shall contact the authorized officer to arrange a joint inspection of the right-of-way. This inspection shall be held to agree to an acceptable termination (and rehabilitation) plan. This plan shall include, but is not limited to, removal of facilities and equipment, drainage structures, or surface material, recontouring, topsoiling, or seeding. The authorized officer must approve the plan in writing prior to the holder's commencement of any termination activities.

SUGGESTED SEED MIX* FOR RECLAMATION

Western Wheatgrass	<i>Pascopyrum smithii</i>	6.0 lbs PLS**/acre
Bluebunch Wheatgrass	<i>Pseudoroegneria spicata</i>	6.0 lbs PLS/acre
Slender Wheatgrass	<i>Elymus trachycaulus</i> ssp: <i>trachycaulus</i>	6.0 lbs PLS/acre
Canby bluegrass	<i>Poa canbyii</i>	2.0lbs PLS/acre
Indian ricegrass	<i>Achnatherum hymenoides</i>	<u>4.0 lbs PLS/acre</u>
TOTAL		24.0 lbs PLS/acre

Seeding rates are for broadcast seeding. If drilled, seeding rates may be halved.

*All seed must be certified weed free

**PLS = pure live seed